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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,319	05/01/2001	Tomihiko Azuma	Q64335	2242
7590	01/27/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			HA, LEYNNA A	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,319	AZUMA, TOMIHIKO	
	Examiner	Art Unit	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 October 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. Claims 1-21 have been re-examined and are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 5, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 11 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Claim 11 recites in the preamble “to have a computer carry out a network system”, where the examiner asserts a computer cannot carry out a network system. The specification fails to describe this limitation to enable as how a computer can carry out a system.

Claim 21 is also rejected due to its dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipate by Marchant, et al. (US 6,240,183).

As per claim 1:

Marchant discloses a user authentication method for checking whether a user is qualified for using a service provided through a network, comprising:

a step of registration of user authentication information to register a numerical calculation method designated by said user and being specific to said user [col.5, lines 55-62 and col.7, lines 6-13] said user authentication information together with user

identification information corresponding to said user; and **[col.2, lines 10-15 and col.9, lines 34-67]**

a step of judging, to perform user authentication, wherein when said user identification information is transmitted from said user through said network to a service providing site **[col.10, lines 23-50]** and an arbitrary numeric value is transmitted from said service providing site through said network to said user, a determination of whether a first calculation result, which is obtained by said user using said arbitrary numeric value in said registered numerical calculation method **[col.8, lines 55 – col.9, line 9]**, and is transmitted from said user through said network to said service providing site equals a second calculation result which is obtained by said service providing site by applying said arbitrary numeric value to said registered numerical calculation method.

[col.6, lines 40-50 and col.8, lines 3-19]

As per claim 2:

Merchant discloses a user authentication method for checking whether a user is qualified for using a service provided through a network, comprising:

a step of registration of user authentication information to register a numerical calculation method designated by said user **[col.5, lines 55-62 and col.7, lines 6-13]** through said network and being specific to said user as said user authentication information together with user identification information corresponding to said user; and **[col.2, lines 10-15 and col.9, lines 34-67]**

a step of judging to perform user authentication, wherein when said user identification information is transmitted from said user through said network to a service providing site [col.10, lines 23-50] and an arbitrary numeric value is transmitted from said service providing site through said network to said user [col.8, lines 55 – col.9, line 9], a first calculation result corresponding to said arbitrary numeric value is obtained by user using said registered numerical calculation method and is transmitted from said user through said network to said service providing site, and a determination of whether said first calculation result equals a second calculation result which is obtained by said service providing site by applying said arbitrary numeric value to said registered numerical calculation method, [col.6, lines 40-50 and col.8, lines 3-19]

wherein, when said first calculation result equals said second calculation result, said user is authorized. [col.11, lines 23-40]

As per claim 3:

Marchant discloses a network system comprising:

one or a plurality of user terminals by which a user transmits a numerical calculation method being specific to said user together with user identification information corresponding to said user [col.5, lines 55-62 and col.7, lines 6-13] through a network to a service providing site [col.2, lines 10-15 and col.9, lines 34-67] and said one or plurality of user terminals transmits a first calculation result obtained by applying a given numeric value to said numerical calculation method through said network to said service providing site; and [col.10, lines 23-50]

one or a plurality of service providing sites to register said numerical calculation method together with said user identification information corresponding to said user [col.2, lines 10-15 and col.9, lines 34-67], to transmit an arbitrary numeric value through said network to said user terminal when said user identification information is transmitted from said user terminal through said network [col.8, lines 55 – col.9, line 9], and to judge, when said first calculation result corresponding to said arbitrary numeric value is transmitted from said user terminal through said network, whether said first calculation result equals a second calculation result which obtained by said one or plurality of service providing sites [col.6, lines 40-50 and col.8, lines 3-19] by applying said arbitrary numeric value to said registered numerical calculation method to perform said user authentication. [col.11, lines 23-40]

As per claim 4: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40; discussing the user terminal has a function of displaying said arbitrary numeric value transmitted from said service providing site.

As per claim 5: See col.4, lines 43-57; discussing the user terminal has a function of outputting, by voice, said arbitrary numeric value transmitted from said service providing site.

As per claim 6: See col.4, lines 43-50; discussing the network system according to claim 3, wherein said user terminal is made up of a portable cellular phone or a personal digital assistant, having a function of displaying said arbitrary numeric value transmitted from said service providing site.

As per claim 7: **See col.4, lines 43-50;** discussing the user terminal is made up of a portable cellular phone or a personal digital assistant, having a function of outputting, by voice, said arbitrary numeric value transmitted from said service providing site.

As per claim 8: **See col.4, lines 43-57;** discussing the first calculation result is input by voice of said user to said user terminal and is transmitted through said network to said service providing site and wherein said service providing site has a function of performing voice recognition of said first calculation result. **[col.11, lines 23-40]**

As per claim 9:

Marchant discloses a storage medium storing a control program to have a computer carry out a user authentication method for checking whether a user is qualified for using a service provided through a network, said method comprising:

a step of registration of user authentication information to register a numerical calculation method designated by said user **[col.5, lines 55-62 and col.7, lines 6-13]** and being specific to said user as said user authentication information together with user identification information corresponding to said user; and **[col.2, lines 10-15 and col.9, lines 34-67]**

a step of judging to perform user authentication, wherein when said user identification information is transmitted from said user through said network to a service providing site **[col.10, lines 23-50]** and an arbitrary numeric value is transmitted from said service providing site through said network to said user **[col.8, lines 55 – col.9, line 9]**, a determination of whether a first calculation result which is obtained by said

user using said arbitrary numeric value and is transmitted from said user through said network to said service providing site equals a second calculation result which is obtained by said service providing site by applying said arbitrary numeric value to said registered numerical calculation method, **[col.6, lines 40-50 and col.8, lines 3-19]**

wherein, when said first calculation result equals said second calculation result, said user is authorized. **[col.11, lines 23-40]**

As per claim 10:

Merchant discloses a storage medium storing a control program to have a computer carry out a user authentication method for checking whether a user is qualified for using a service provided through a network, said method comprising:

a step of registration of user authentication information to register a numerical calculation method designated by said user **[col.5, lines 55-62 and col.7, lines 6-13]** through said network and being specific to said user as said user authentication information together with user identification information corresponding to said user; and **[col.2, lines 10-15 and col.9, lines 34-67]**

a step of judging to perform user authentication, wherein when said user identification information is transmitted from said user through said network to a service providing site **[col.10, lines 23-50]** and an arbitrary numeric value is transmitted from said service providing site through said network to said user **[col.8, lines 55 – col.9, line 9]**, a first calculation result corresponding to said arbitrary numeric value is obtained by said user using said registered numerical calculation method and is

transmitted from said user through said network to said service providing site, and a determination of whether said first calculation result equals a second calculation result which is obtained by said service providing site by applying said arbitrary numeric value to said registered numerical calculation method to perform said user authentication, **[col.6, lines 40-50 and col.8, lines 3-19]**

wherein, when said first calculation result equals said second calculation result, said user is authorized. **[col.11, lines 23-40]**

As per claim 11:

Marchant discloses a storage medium storing a control program to have a computer carry out a network system comprising:

one or a plurality of user terminals by which a user transmits a numerical calculation method being specific to said user together with user identification information corresponding to said user **[col.5, lines 55-62 and col.7, lines 6-13]** through a network to a service providing site **[col.2, lines 10-15 and col.9, lines 34-67]**, and one or a plurality of user terminals transmits a first calculation result obtained by applying a given numeric value to said numerical calculation method through said network to said service providing site; and **[col.10, lines 23-50]**

one or a plurality of service providing sites to register said numerical calculation method together with said user identification information corresponding to said user to transmit an arbitrary numeric value through said network to said user terminal when said user identification information is transmitted from said user terminal through said

network [col.8, lines 55 – col.9, line 9] and to judge, when said first calculation result corresponding to said arbitrary numeric value is transmitted from said user terminal through said network [col.6, lines 40-50 and col.8, lines 3-19], whether said first calculation result equals a second calculation result which is obtained by one or a plurality of service providing sites applying said arbitrary numeric value to said registered numerical calculation method, to perform said user authentication. [col.11, lines 23-40]

As per new claim 12: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40; discussing wherein during user authentication information registration, said service providing site supplies said user with a plurality of numerical calculation methods and said user designates one of said plurality of numerical calculation methods to be the registered numerical calculation method.

As per new claim 13: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40; discussing wherein during user authentication information registration, said service providing site supplies said user with a plurality of numerical calculation methods and said user designates one of said plurality of numerical calculation methods to be the registered numerical calculation method.

As per new claim 14: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40; discussing wherein during user authentication information registration, said service providing site supplies said user with a plurality of numerical calculation methods and said user designates one of said plurality of numerical calculation methods to be the registered numerical calculation method.

As per new claim 15: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;
discussing wherein during user authentication information registration, said service providing site supplies said user with a plurality of numerical calculation methods and said user designates one of said plurality of numerical calculation methods to be the registered numerical calculation method.

As per new claim 16: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;
discussing said registered numerical calculation method is a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

As per new claim 17: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;
discussing said registered numerical calculation method is a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

As per new claim 18: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;
discussing said numerical calculation method and said registered numerical calculation method are a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

As per new claim 19: See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;
discussing said registered numerical calculation method is a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

As per new claim 20: **See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;** discussing said registered numerical calculation method is a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

As per new claim 21: **See col.8, lines 55 – col.9, line 9 and col.11, lines 23-40;** discussing said numerical calculation method and said registered numerical calculation method are a mathematical expression that is solved by said user and said service providing site, using said arbitrary numeric value provided by said service providing site.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa

H.S. *S.*
Primary Examiner
Art Unit 2135